

REMARKS/ARGUMENTS

The Office Action mailed January 7, 2009 has been carefully reviewed and these remarks are responsive to that office action. Reconsideration and allowance of this application are respectfully requested.

Claims 1, 3-7, 14-17, and 20-28 are pending in this application. Claims 1, 3, 14, 21, and 22 have been amended and claim 2 has been canceled.

Rejection under 35 U.S.C. § 112

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 has been modified to read “a same protocol” instead of “the same protocol” to correct the antecedent basis issue. Reconsideration and allowance of this claim is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-2, 6-7, 14-15, 19-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Tamura (US 2003/0048380), hereinafter referred to as Tamura. Amended independent claim 1 recites, *inter alia*,

receiving eSTB IP provisioning requests from eSTBs provided by at least two different vendors through a signaling pathway that uses a firewall to separate a management network from a data network housing the NPU, the eSTB IP provisioning requests outputted according to a first protocol;

Tamura does not teach at least this element of claim 1. On p. 2, the Office Action alleges that Tamura teaches the prior version of this element of claim 1 and cites paragraphs 2, 25, and 27 of Tamura in making this allegation. Tamura discloses a system of self-provisioning television new set-top boxes (See Tamura at Figure 2). A set-top box in Tamura is configured to communicate with a service provider to obtain provisioning data. Figure 4 in Tamura depicts the

process carried out at the service provider's end. A service provider head-end in Tamura is a generic headend system without "a firewall to separate a management network from a data network housing the NPU." Thus, Tamura does not have this added level of security to separate information that would normally flow in a management network from that flowing through a data network at the service provider side of the network.

None of the other cited references (e.g. Meza, Addington, etc) overcome these deficiencies, and for at least these reasons, Applicant submits that independent claim 1 distinguishes over the references of record and is in condition for allowance. Claims 6-7 depend from claim 1 and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein. Claim 2 has been canceled, thus rendering this rejection moot.

Independent claim 14 has features similar to those of claim 1 discussed above. Therefore, the Applicant believes that claim 14 is in condition for allowance for at least the same reasons given in support of claim 1. Dependent claims 15 and 20 depend on claim 14 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite. Claim 19 has been previously canceled, thus rendering this rejection moot.

Rejection under 35 U.S.C. § 103

Claims 3-5, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura as applied to claims 2, 9, 15 above, and further in view of Meza (US 7,287,257), hereinafter referred to as Meza.

Claims 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura, and further in view of Addington et al. (US 2004/0261126), hereinafter referred to as Addington.

Claims 3-5 depend from independent claim 1 discussed above and hence are allowable at least for depending on an allowable claim in addition to the features they recite. Claims 16-17 depend from independent claim 14 discussed above and hence are allowable at least for depending on an allowable claim in addition to the features they recite. Claim 18 has been previously canceled, thus rendering this rejection moot.

Independent claim 21 has features similar to those of claim 1 discussed above. Therefore, the Applicant believes that claim 21 is in condition for allowance for at least the same reasons given in support of claim 1. Claims 22-28 depend from independent claim 21 and hence

are allowable at least for depending on an allowable claim in addition to the features they recite.

Conclusion

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: February 3, 2009

By: William J. Allen
William J. Allen
Registration No. 51,393
10 S. Wacker Dr., Suite 3000
Chicago, IL 60606
Tel: (312) 463-5000
Fax: (312) 463-5001